

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MARCIA SPAHR,

Plaintiff,

v.

5:07-CV-0882
(NAM/GHL)

COMMISSIONER OF SOCIAL SECURITY, et al.,

Defendants.

APPEARANCES:

Marcia Spahr
Plaintiff *pro se*
431 E. Prospect Terrace
Freeport, Illinois 61032-5662

GEORGE H. LOWE, United States Magistrate Judge

ORDER TO SHOW CAUSE

On August 24, 2007, Plaintiff filed her Complaint (Dkt. No. 1), moved for leave to proceed *in forma pauperis* (Dkt. No. 2), and requested the appointment of counsel (Dkt. No. 4).

Plaintiff's Complaint consisted of a four-page form, a handwritten note, and copies of two prescriptions. The form stated that Plaintiff brought this action for employment discrimination based on age. The spaces for the defendant's name, official position, and address were blank. In the caption of the form, Plaintiff listed the Commissioner of Social Security as the defendant. The form alleged that Plaintiff "was cremated by Soc. Sec. Killers" and that her Social Security and food stamp checks "have always been cut". The letter stated that Plaintiff's neighbors have 'set her up on gas' and that the neighbors' children "put trash in my yard (Italians or Iranians)". Plaintiff asked the Court to keep "foreigners" from 'wrecking' Plaintiff and to help

her ‘straighten her gas bills out’, a Florida Lottery check, and “trillions or what a just court gives.”

On September 25, 2007, I issued an order directing that if Plaintiff did not amend her complaint within thirty (30) days of the date of the order, (1) Plaintiff’s Complaint (Dkt. No. 1) would be *sua sponte* **STRICKEN** from the docket for failure to state a claim under Rule 12(b)(6), and for failure to comply with Rules 8 and 10 of the Federal Rules of Civil Procedure; (2) Plaintiff’s motion for leave to proceed *in forma pauperis* (Dkt. No. 2) would be **DENIED AS MOOT**; and (3) Plaintiff’s motion to appoint counsel (Dkt. No. 4) would be **DENIED AS MOOT**.

More than 30 days have passed since the Order was issued. Plaintiff has not amended her complaint. Accordingly, it is hereby


RECOMMENDED, that (1) this case be **DISMISSED** for failure to comply with the Court’s September 25, 2007, Order; (2) Plaintiff’s motion for leave to proceed *in forma pauperis* (Dkt. No. 2) be **DENIED AS MOOT**; and (3) Plaintiff’s motion to appoint counsel (Dkt. No. 4) be **DENIED AS MOOT**.

Pursuant to 28 U.S.C. § 636(b)(1), the parties have ten days within which to file written objections to the foregoing report. Such objections shall be filed with the Clerk of the Court.

FAILURE TO OBJECT TO THIS REPORT WITHIN TEN DAYS WILL PRECLUDE APPELLATE REVIEW. *Roldan v. Racette*, 984 F.2d 85 (2d Cir. 1993) (citing *Small v. Secretary of Health and Human Services*, 892 F.2d 15 (2d Cir. 1989)); 28 U.S.C. § 636(b)(1);

FED. R. CIV. P. 72, 6(a), 6(e).

Dated: November 26, 2007
Syracuse, New York



George H. Lowe
United States Magistrate Judge